

REMARKS

Applicant had filed a Preliminary Amendment to add FIG. 3, which had inadvertently been omitted on the initial filing.

Applicant had submitted arguments supporting applicant's position that FIG. 3 was completely supported by the specification as filed and did not constitute new matter and had asked for a ruling by the Examiner that applicant's position was correct.

In the alternative, if the Examiner did not find FIG. 3 to be completely supported by the specification so as not to constitute new matter, applicant proposed amendments to the application.

Since the Examiner did not address this point in the Examiner's Action, applicant can only assume that FIG. 3 has been accepted in the application as not being new matter and only as conforming the drawings to the specification and claims.

Applicant will appreciate a conformation of this assumption by applicant.

The Examiner has requested a Terminal Disclaimer and such is enclosed.

However, applicant submits that such a disclaimer is unnecessary, since, although the subject application was filed as a CIP, it does not contain any new subject matter. Except for a few word additions regarding FIG. 3 and FIG. 3, it only contains new claims all of which find support in the parent application.

With respect to the request for a new drawing, applicant is enclosing a sketch of a package on a cereal box. Upon approval of the sketch by the Examiner, applicant will provide a formal drawing with reference numerals and will amend the specification into conformity with the formal drawing.

With respect to the Examiner's rejection of claims 1-8 and 9 under 35 USC Section 112, it appears the Examiner is really rejecting claim 9 for not positively reciting an optical disc as part of the combination. (See numbered paragraphs 8. and 9. in the Examiner's Action).

In traverse of this rejection, applicant has amended claim 9 to positively include the optical disc in the claimed combination.

The Examiner's rejection of claims 12 and 23 under 35 USC § 103 for being unpatentable over Sfikas U.S. Patent No. 5,549 658, as this rejection may be attempted to be applied to amended claims 12 and 23, is respectfully traversed.

In support of this traverse, it is noted that the amended claims call for sealing the upper layer to the lower layer completely about the disc and call for means in the upper layer above the disc for facilitating removal of the disc by peeling back part of the upper layer above the disc.

In contradistinction, Sfikas has a thin grooved line providing a weakened area which can be removed therefrom to provide an opening for removing the disc. This is completely different from applicant's means (in the form of at least one kiss cut)

Furthermore, when applicant's package is opened by peeling back part of the upper layer above the disc, the package is destroyed and is not reuseable. The Sfikas package is not destroyed when the weakened area is removed and it could be reused by reinserting the disc into the Sfikas disc holder.

Claim 23 specifically calls for a kiss cut in the upper layer above the disc. New claim 24 adds this feature to claim 12.

Applicant submits that claims 12 and 23 distinguish applicant's package over the package of Sfikas.

The Examiner's rejection of claims 13 and 14 for being unpatentable over Sfikas U.S. Patent No. 5,549 658 in view of Francois U.S. Patent No. 2,690,253 is respectfully traversed.



In support of this traverse, the combination of Sfikas and Francois does not suggest or teach the subject matter covered by claim 13 dependent on claim 12 or claim 13 dependent on claim 13 and claim 12.

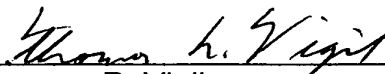
All that Francois teaches is a package for a belt between two layers and where the area around a hole through the two layers at one end of the package are sealed, so the package can be hung on a horizontally extending rod.

Accordingly, claims 13 and 14 are considered allowable for the same reason that amended claim 12 is believed to be allowable.

In summary, applicant submits that the structure of the holder for an optical disc, now defined even more clearly in amended to claim 1, clearly distinguishes applicant's claimed holder for an optical disc from the teachings of all the references cited in this application and that all the claims are now in condition for allowance. An early and favorable action to that end is requested.

Respectfully submitted,

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Thomas R. Vigil
WELSH & KATZ, LTD.
120 SOUTH RIVERSIDE PLAZA
22nd Floor
CHICAGO, IL 60606-3912
Direct Telephone: 1-312-775-0407
Telephone: 1-312-655-1500
Fax: 1-312-655-1501
Email: trvigil@welshkatz.com



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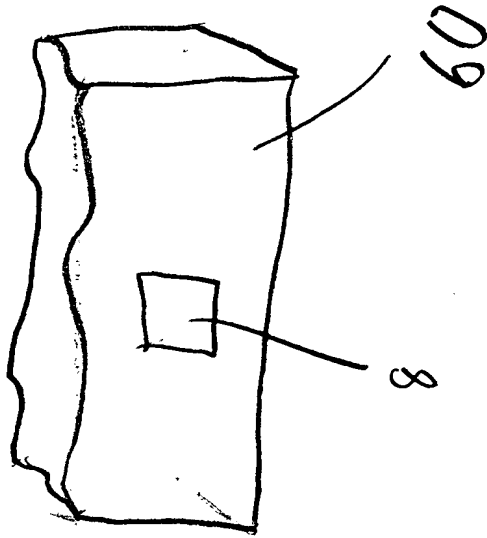


FIG. 4